

South Carolina's Early Action Plan for the 8-hour Ozone Standard
Fact Sheet
August 26, 2002

- On August 23, 2002, the South Carolina Department of Health and Environmental Control (DHEC) published a Notice of Drafting in the *State Register* for the development of an Early Action Plan for implementing measures to attain the 8-hour ozone standard prior to federal requirements. The Notice of Drafting allows stakeholders the opportunity to comment and participate in the development of an Early Action Plan.

Background

- The Clean Air Act (CAA) requires that air quality in every state meet health based National Ambient Air Quality Standards (NAAQS). Using data from DHEC's statewide monitors and recommendations from the respective states, EPA regional offices determine if geographic areas of the state are attainment (meet the standard) or non-attainment (exceed the standard). States with areas that are non-attainment are required to revise their State Implementation Plan (SIP) with necessary control measures to ensure that the standards are attained and maintained by a specified date.
- In 1997, the U.S. Environmental Protection Agency (EPA) promulgated an 8-hour ozone standard to replace the 1-hour standard. This was done to reflect the latest understanding of the effects of ozone exposure and provide public health protection with an adequate margin of safety. That effort was challenged; however, after much litigation, EPA's actions were affirmed. EPA is currently moving forward to develop 8-hour implementation requirements to address the U.S. Supreme Court's concerns. A proposed rule should be out in late 2002 and promulgated sometime in 2003. EPA anticipates designating non-attainment areas sometime in 2004.
- Once areas are designated as non-attainment, they will immediately be faced with a more stringent permitting process under non-attainment New Source Review (NSR) and within one year of the designations, areas will have to begin conformity analyses, which ensure that projects utilizing federal funds do not have an adverse impact on an area's air quality. The most common form of conformity analysis is Transportation Conformity, which deals specifically with road projects.
- In addition to the non-attainment NSR and conformity requirements, states may also have to implement other control strategies to improve air quality. Those strategies will be included in the revised SIP, due to EPA within 3 years after an area has been designated non-attainment. In other words, if EPA designates areas in 2004, revised SIPs will be due in 2007 and an area will be required to show monitored air quality data below the standard by December 2010.
- Areas that are attainment with the 1-hour ozone standard but may be approaching or exceeding the 8-hour ozone standard are eligible and encouraged to implement early measures to reduce emissions of ozone-forming air pollutants in advance of federal requirements. Currently, all of South Carolina attains the 1-hour ozone standard; however, some areas of the state may have difficulty complying with the 8-hour ozone standard.

South Carolina Early Action SIP Protocol

- DHEC is developing a protocol for areas wishing to participate in an Early Action Compact that outlines the responsibilities of each party (i.e., the local government, state government and EPA) interested in taking part in this initiative. Participating areas will then begin the process of

determining what actions can be taken at a state and local level to ensure compliance with the 8-hour ozone standard prior to federal timeframes.

- At a minimum, milestones included in the Early Action Compact must include: completion of emissions inventories and modeling; adoption of control strategies that demonstrate attainment; completion and adoption of the early action SIP revision (December 31, 2004); attainment not later than December 31, 2007 and post-attainment demonstration and plan updates.
- It is anticipated that EPA, as a party to the Early Action Compact, may move forward with the 8-hour ozone designation process as required by the CAA. However, EPA may agree to defer the effective date for participating areas provided the terms of the early action SIP, including all established milestones, are being met.
- Although this is a proactive effort to meet NAAQS earlier than required, the possibility remains that if challenged, EPA may be required to enforce an earlier effective date for the non-attainment area.
- Areas that enter into an Early Action Compact but do not meet all of the terms of the Early Action Compact, including established milestones, will forfeit participation and be designated according to the EPA's 8-hour ozone implementation rule. At a minimum, those requirements will include Transportation Conformity and non-attainment New Source Review.
- If the monitors in the area reflect attainment by December 31, 2007, the area will be designated as attainment and no additional requirements will be imposed (i.e., 20-year Maintenance Plans, Transportation Conformity and New Source Review).

Potential Benefits of Participation

- A positive impact on public health and the environment in South Carolina and surrounding states.
- Public health benefits will be realized by meeting the more stringent 8-hour ozone standard sooner than required.
- Partnerships working together to implement local control strategies to maintain clean air and provide public health protection.
- Positive public reaction for voluntarily addressing air pollution problems ahead of federal requirements.
- Deferral of effective date of non-attainment designation thereby deferring costly and potentially unnecessary requirements associated with non-attainment.



- ❖ For further information, visit www.scdhec.net/baq/eap.html or contact Henry Phillips, DHEC, Bureau of Air Quality at (803) 898-3260 or by e-mail at phillimh@dhec.state.sc.us.